

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**AIRGAS MID SOUTH, INC.**

**PLAINTIFF**

**v.**

**No. 4:09CV89-M-S**

**SUPERIOR BOAT WORKS and  
COLLINS E. BRENT**

**DEFENDANTS**

**ORDER**

Before the court is the plaintiff's unopposed motion to sever defendants and reschedule case management conference (# 13). Specifically, the plaintiff requests that its claims against Collins Brent be allowed to proceed. In November 2009 Defendant Superior Boat Works filed a petition for Chapter 11 bankruptcy in the United States Bankruptcy Court for the Northern District of Mississippi, and this action was automatically stayed pursuant to 11 U.S.C. § 342(a) with respect to that defendant. However, Defendant Brent was not listed as a co-debtor in that matter. On December 7, 2010, the Bankruptcy Court entered an order finding that Superior's bankruptcy petition did not "statutorily provide" Mr. Brent protection of an "automatic stay or co-debtor stay as contemplated by Title 11 of the United States Code." For these reasons, the motion is hereby GRANTED, and the plaintiff's claims against Mr. Brent shall be allowed to proceed. A case management conference will be set by separate notice.

This 28<sup>th</sup> day of February, 2011.

/s/ David A. Sanders  
U. S. Magistrate Judge